

**UNITED STATES DISTRICT COURT
NEW YORK SOUTHERN DISTRICT
NEW YORK, NEW YORK**

ELENA SKROZNIKOVA,)	
)	
Petitioner,)	Case No.: 08 CV 1461
)	
v.)	JUDGE SAND
)	
MICHAEL B. MUKASEY, Attorney)	PETITION FOR HEARING ON
General of the United States;)	NATURALIZATION APPLICATION
MICHAEL CHERTOFF, Secretary of the)	UNDER U.S.C. § 1447(b)
Department of Homeland Security;)	
EMILIO T.GONZALEZ, Director of U.S.)	
Citizenship and Immigration Services;)	Alien No. 75 211 214
ANDREA J. QUARANTILLO, New York)	
District Director of U.S. Citizenship and)	
Immigration Services,)	
)	
Respondents.)	
)	

Petitioner, by her undersigned counsel, GIL AMRAMI, ESQ., hereby petitions this Court for a hearing, pursuant to 8 U.S.C. §1447 (b), to obtain a decision upon Petitioner's application for naturalization. It is respectfully submitted that because the Petitioner has met all eligibility requirements for citizenship of the United States, and since Petitioner is not statutorily barred from receiving such benefit, her application for naturalization should be granted.

PARTIES

1. Petitioner ELENA SKROZNIKOVA is a citizen of Russia. She has been a Lawful Permanent Resident of the United States since September 17, 1996. She resides at 55 West, 26th Street, 36D, New York, New York.

2. Respondent, MICHAEL B. MUKASEY, Attorney General of the United States, has been conferred the authority to naturalize persons as citizens of the United States by INA §310(a), 8 U.S.C. § 1421(a), and is sued here in his official capacity.

3. Respondent, MICHAEL CHERTOFF is the Secretary of the Department of Homeland Security (hereinafter “DHS”). As of March 1, 2003, DHS is the agency responsible for implementing the Immigration and Nationality Act. Within DHS, the United States Citizenship and Immigration Services (hereinafter “USCIS”), formerly part of the Immigration and Naturalization Service, is now responsible for implementing the provisions under which lawful permanent residents can be naturalized and become United States citizens, in particular INA § 310, 8 U.S.C. § 1421. Respondent Michael Chertoff is sued in his official capacity.

4. Respondent, EMILIO T. GONZALEZ is Director of U.S. Citizenship and Immigration Services. He is sued in his official capacity.

5. Respondent, ANDREA J. QUARANTILLO is the District Director of New York District of USCIS. She is sued here in her official capacity. As District Director, Mrs. Quarantillo has been delegated authority, under 8 C.F.R. § 310/2, to control all activities within the New York District, including the authority to grant or deny naturalization applications.

JURISDICTION

6. This court has jurisdiction pursuant to INA § 336(b), 8 U.S.C. § 1447(b) (jurisdiction for hearing on naturalization in certain cases of delay), 28 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 2201, the Declaratory Judgment Act; 5 U.S.C. § 701, the Administrative Procedures Act and 5 U.S.C. § 504, the Equal Access to Justice Act.

VENUE

7. Venue in the New York Southern District Court is appropriate pursuant to 8 U.S.C. § 1447(b), in that Petitioner may request a hearing on the matter in the District where Petitioner resides.

STATEMENT OF FACTS

8. Petitioner is a Lawful Permanent Resident of the United States. Petitioner filed an N-400, Application for Naturalization, with the United States Citizenship and Immigration Services (“USCIS” or “Service”). She attended a naturalization interview on her N-400 application on February 1, 2006, at the USCIS office at 26 Federal Plaza, New York, New York. (See copy of Notice of Naturalization Initial Interview, attached hereto as **Exhibit A**).

9. Subsequent to the interview, a Form N-625, Naturalization Interview Results, was issued by the interviewing officer, A. GABIN. As is indicated on the Form, Petitioner had passed the requisite naturalization tests. It is further indicated on that Form that USCIS would send a written decision about the application. To the latter statement, a hand-written comment was added, stating: “Security Check”. (See copy of N-652, Naturalization Interview Results, attached hereto as **Exhibit B**).

10. It has been more than two years since the date of her naturalization interview; however, Petitioner has not received any decision on her application, nor has she been informed by the Service of any deficiency in her application.

11. A search of processing timeframe at USCIS official website revealed that as of January 15, 2008, the processing date for N-400 Application for Naturalization at the New York City District Office was June 19, 2007, more than fourteen (14) months after the date of Petitioner’s interview. (See copy of computer printout of USCIS New York City NY Processing Dates attached hereto as **Exhibit C**).

12. On August 16, 2006, Petitioner, by her counsel, hand delivered a follow-up letter to USCIS, describing Petitioner’s situation and inquiring about the status of her application. (See copy of letter to former District Director, Mrs. Mary Ann Gantner, dated August 9, 2006, attached hereto as **Exhibit D**).

13. In response, by a letter dated September 18, 2006, S. CAMPBELL, a Supervisory Immigration Information Officer, advised Petitioner's counsel that the application is pending receipt of security checks. (See copy of letter from S. Campbell, New York District, dated September 18, 2006, attached hereto as **Exhibit E**).

14. Subsequently, several months have elapsed, and on February 9, 2007, Petitioner, by her counsel, again hand delivered another follow-up letter to the Service, inquiring about the status of her application. (See copy of letter addressed to S. Campbell, Supervisor at USCIS, attached hereto as **Exhibit F**).

15. To this date, no response has been received from the Service to the afore-said communication. Upon information and belief, the Service maintains that Petitioner is still subject to clearance of criminal and national security checks. (See copy of email correspondence concerning Petitioner, relayed to her by her congressional district representative, attached hereto as **Exhibit G**).

ARGUMENT

16. The applicable statute, 8 U.S.C. § 1447(b), provides:

“[i]f there is a failure to a [naturalization] determination ... before the end of the 120-day period after the date on which the examination is conducted... the applicant may apply to the United States district court ... for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.”

8 U.S.C. § 1447(b)

17. It is respectfully submitted that the 120-day post-examination period begins to run once the U.S. Citizenship and Immigration Services conducts its initial naturalization interview. See Al-kudsi v. Gonzales, Case No. CV 05-1584-PK, 2006 WL 752556 *2 n.3(D. Or. Mar. 22, 2006); Essa v. U.S.Citizenship and Immigration Services, 2005 WL 3440827, *2 (D.Minn.,2005).

18. It is respectfully submitted that in this case, Petitioner has met all the eligibility requirements for naturalization. Clearly, Petitioner had passed the English language and the U.S. history and government tests. Furthermore, Petitioner has met her U.S. residence requirements, is willing and ready to take the oath of citizenship, and has no criminal record that would bar a finding of good moral character pursuant to 8 U.S.C. 1101(f), 8 CFR 316.10.

19. Since April 2003, Petitioner has been an employee of the Rockefeller Family Office at Rockefeller Plaza, New York. Her current title is Director of Operations, reporting to the Senior Advisor.

20. In this capacity, and as is more fully explained in Petitioner's letters to USCIS, dated August 9, 2006, and February 2, 2007, (Exhibit D, Exhibit F), Petitioner is called on frequently to travel to foreign countries as part of her job duty. Accordingly, having the ability to travel with a U.S. Passport is a matter of paramount concern and pressing need to the Petitioner.

21. It is respectfully submitted that pursuant to 8 U.S.C. § 1447(b), this Court has jurisdiction to make a determination on Petitioner's naturalization application. It is respectfully stressed that more than twenty-four months have elapsed since her examination by the Service, far in excess of the 120-day period provided by the statute, yet no decision has been issued by the Service on her naturalization application, nor has Petitioner been informed of any deficiency in her application.

22. Furthermore, this delay in processing is underscored by the fact that currently (as of January 15, 2008), the processing timeframe for this type of application at the New York City District Office, per USCIS website, has a processing date of June 19, 2007. (Exhibit C).

23. It is further respectfully submitted that Petitioner has exhausted all administrative remedies available to her and therefore has no further administrative recourse. It is respectfully

submitted that Respondents' delay in acting on Petitioner's application is willful and unreasonable.

24. In view of the foregoing, it is respectfully submitted that under the particular circumstances herein, Petitioner's naturalization application should be granted. Accordingly, it is respectfully requested that this Court grant Petitioner's naturalization application upon this Petition and further direct that Petitioner be given her oaths of citizenship.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Review, de novo, Petitioner's application for naturalization, and pursuant thereto grant the naturalization application and direct that Petitioner be given her oath of citizenship;
3. Direct Respondents to promptly issue a Certificate of Naturalization to Petitioner;
4. Award reasonable costs and attorney's fees under the Equal Access to Justice Act;
5. Grant any and all further or other relief as this Court may deem just and proper.

Dated: New York, NY
February 8, 2008

Respectfully submitted,

Gil Amrami
Attorney at Law
Attorney for Petitioner,
ELENA SKROZNIKOVA
122 E. 42nd Street
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Tel.: (212) 922-0003
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TO:

MICHAEL B. MUKASEY,
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

MICHAEL CHERTOFF,
Secretary of U.S. Department of Homeland Security
Washington, D.C. 20528

EMILIO T. GONZALEZ,
Director of U.S. Citizenship and Immigration Services
20 Massachusetts Ave., N.W.
Washington, D.C. 20529

ANDREA J. QUARANTILLO,
New York District Director
U.S. Citizenship and Immigration Services
26 Federal Plaza
New York, NY 10278

UNITED STATES DISTRICT COURT
NEW YORK SOUTHERN DISTRICT
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MICHAEL B. MUKASEY, Attorney)	AFFIRMATION OF SERVICE
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District Director of U.S. Citizenship and)	
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Respondents.)	
)	

I _____, do hereby declare under penalty of perjury that I have served a copy of the attached

PETITION FOR HEARING ON NATURALIZATION APPLICATION

by Regular Mail, upon Respondents herein at their respective addresses as follows:

MICHAEL B. MUKASEY,
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

EMILIO T. GONZALEZ,
Director of U.S. Citizenship
and Immigration Services
20 Massachusetts Ave., N.W.
Washington, D.C. 20529

MICHAEL CHERTOFF,
Secretary of U.S. Department
of Homeland Security
Washington, D.C. 20528

ANDREA J. QUARANTILLO,
New York District Director
U.S. Citizenship and Immigration Services
26 Federal Plaza
New York, NY 10278

Dated: New York, New York
February 11, 2008

Gil Amrami

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**PETITION FOR HEARING ON NATURALIZATION APPLICATION
UNDER U.S.C. § 1447(b)**

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